IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

On this 30th day of July 2004
Criminal Misc. II Bail Application No. 586/2004

Order on the bail application of the accused.

Criminal Side

Harmal Singh S/o Dhan Singh Mehta
R/o Sain Rathi Patti Quity, Tehsil
Munsyari P.S. Munsyari
District Pithoragarh --Applicant.

Vs.

State of Uttaranchal

--Respondent.

Arising out of crime No. 1064/2003
U/S 18/20 N.D.P.S. Act
P.S. Kotwali, Pithoragrh
District Pithoragrh.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri Sandeep Kumar, learned counsel for the applicant and Sri Nandan Arya, learned A.G.A. and perused the record.

This is second bail application. The new ground taken is that there is discrepancy as regard to the weight of sample sent for chemical examination and found there by the Chemical Examiner. The difference of weight, if any, has to be explained by the evidence to be adduced in the trial and at this stage considering the considerable weight of the contraband i.e. 3 ½ kilograms the alleged infirmity can not be taken to assail the recovery of the contraband from the applicant-accused. There being no merit in this second bail application, the same is dismissed.

The arrest of the accused was made on 23-07-2003 and since then he is under custody. The learned Sessions Judge, Pithoragarh is directed to expedite the trial and dispose of the same expeditiously, preferably within a period of two months, from the date of the receipt of the certified copy of this order.

(Irshad Hussain, J.)

Dt: 30.07.2004
ISB